

REMARKS

This is intended as a full and complete response to the Office Action dated July 13, 2004, having a shortened statutory period for response set to expire on October 13, 2004.

OBJECTION:

The abstract has been amended to include the catalyst formula. Accordingly, Applicants respectfully request withdrawal of the objection.

RESTRICTION:

Claims 1-20 are pending in the application and stand restricted by the Examiner under 35 U.S.C. § 121.

In response thereto, Applicants hereby elect claims 13-19, identified as Group II by the Examiner, for prosecution in the present application, with traverse.

CLAIM REJECTIONS:

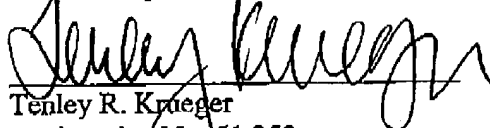
Claims 13-19 stand rejected under 35 U.S.C. § 112, first paragraph. Applicants have amended claim 13 to recite M is a 3d, 4d or 5d transition metal. Claims 13-19 stand rejected under 35 U.S.C. § 112, second paragraph. Applicants have amended claims 13-19 to clarify aspects of the invention. Accordingly, Applicants request withdrawal of the rejection.

Claims 13-19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by, or under 35 U.S.C. § 103(a) as obvious over, WO 99/65951 (*Tohi I*), *Brookhart*, *Gibson* and WO 99/65952 (*Tohi II*).

Tohi I, *Tohi II* and the other cited articles teach R₅ and R₆ (corresponding to the current claims' R₁ and R₂) as substituted 6 member rings. *See*, 415 structures listed in *Tohi I* and *Tohi II*. In contrast, amended claim 13 recites cyclopentadienyl rings (rather than 6 member rings) R₁ and R₂, which are bonded to the same or different heteroatom of Rb which heteroatom is also bonded to M. None of the over 415 structures taught by *Tohi* include a cyclopentadienyl group bonded to a bridge. In fact, *Tohi* actually teaches away from cyclopentadienyl groups by showing only 6 member rings.

In conclusion, Applicants submit that the references cited by the Examiner, neither alone nor in combination, teach, show, or suggest the method or process of the present invention. Having addressed all issues set out in the Office Action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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